

**REMARKS/ARGUMENTS**

This Response is submitted in response to the Examiner's Office Action dated March 11, 2009 (the "*Office Action*"). Reconsideration of the application, as presently amended, is respectfully requested. Claims 1-80 and 88 are pending in this application. Claims 1, 2, 42, 80 and 88 are amended herein without the addition of new subject matter. Favorable reconsideration of this application is respectfully requested for the reasons set forth in these remarks.

***1. Claim Rejections – 35 U.S.C. § 112***

Claims 1-44 and 80 stand rejected under 35 U.S.C. § 112, second paragraph as being vague indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Claims 1, 2, 42 and 80 are amended herein and are now in condition for allowance.

***2. Claim Rejections – 35 U.S.C. § 103(a)***

Claims 1-80 and 88 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,594,633 issued to Boerman ("*Boerman*") in view of U.S. Patent No. 6,321,202 issued to Raveis ("*Raveis*").

It is well established that "a patent comprised of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418, 127 S.Ct. 1727, 1741, 167 L.Ed.2d 705 (2007) (citing *United States v. Adams*, 383 U.S. 39, 86 S.Ct. 708, 15 L.Ed.2d 572 (1966)). In this case, the art cited by the Examiner does not describe or teach the payment of a fee for the service or the sharing of the fee with one or more of the participants as recited in the amended claims. In order to establish obviousness, the prior art references must describe and enable the claimed invention in sufficient

clarity and detail to establish that the claimed matter already existed in the prior art. *Elan Pharms. Inc. v. Mayo Found. For Med. Educ. Research*, 364 F.3d 1051, 1055 (Fed. Cir. 2003). Since the prior art does not teach the collection or sharing of a fee, it cannot render the claimed invention obvious. Accordingly, Applicant respectfully requests that the rejection of Claims 1-80 and 88 be withdrawn.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant respectfully submits that all pending claims are allowable and respectfully requests a timely Notice of Allowance. If the Examiner does not believe that the pending claims are in a condition for allowance, Applicant respectfully requests a telephonic interview with the Examiner to clarify certain issues raised by the Examiner before the Examiner issues another Office Action.

Respectfully submitted,

/William D. Wiese/  
William D. Wiese  
Reg. No.45,217  
DUBOIS, BRYANT & CAMPBELL, LLP  
700 Lavaca, Suite 1300  
Austin, Texas 78701  
(512) 381-8028  
(512) 381-8029 (Fax)  
[bwiese@dbcllp.com](mailto:bwiese@dbcllp.com)

ATTORNEY FOR APPLICANT